

EAST PALESTINE VILLAGE COUNCIL- SEPTEMBER 10, 2012-COMMUNITY CENTER 7PM

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Elzer, Mr. Figley, Mr. Tyger and Mrs. Wisser. Atty. Beagle wanted to clarify that from the Finance Committee meeting and minutes that when increasing revenue was discussed, that it did not mean raising taxes, only trying to increase income. The minutes from the Finance Committee meeting and the Regular Council meeting of August 27 were approved on a motion by Mr. Elzer seconded by Mr. Tyger, all in favor. The monthly department reports were approved on a motion from Mrs. Wisser, seconded by Mr. Tyger, all in favor. Mrs. Wisser asked if in the future the monthly reports could be emailed. The Clerk said yes and told Council if anyone else wanted them emailed to let her know.

AGENDA: Mr. Gene Hoffman on Ducks and Geese. Mr. Hoffman stated he wanted to respond to the article in the Morning Journal on Sept 3, 2012 in reference to draining the pond and making it a dog park. He said that as a rule the ducks do more good than harm eating bugs, they produce nitrogen rich manure, and are very disease resistant. Also there would not be anymore ice-skating, and residents couldn't go there to enjoy nature. Mr. Hoffman said the geese are a protected wildlife but are also a nuisance and he said a permit is needed to remove and relocate them. He said he doesn't agree with local environmentalists on these issues especially in reference to filling in the pond. Mrs. Wisser stated she was approached by a cross-country official and was told if the pond was filled in and made into a dog park they could no longer have cross-country meets there. She also said she was contacted by Tami Harris. Mrs. Harris gave her information on "goose repellant" which the Manager had also given Council similar information. It is a non-toxic spray that lasts about six months and it irritates the mucus membranes of the geese and is safe for the environment. The Manager said it is made from a grape extract and it is harmless to humans. He said its \$85 for a gallon and it was suggested to him to mix it stronger than the directions and that it would treat 8000 to 9000 square feet. He said you could apply it around the pond and in the ball fields. Mr. Hoffman said it's the geese causing the problems and not the ducks and he has been feeding the ducks for 20 years. Mrs. Wisser said she didn't think anyone minded the ducks, that it was the geese that were the issue. Mr. Figley said it wasn't about the ducks and geese being there, it was about feeding them. Mr. Hoffman said he didn't feed the geese only the ducks. Mr. Figley said when you feed the ducks you are feeding the geese. Mr. Figley said the discussion was about feeding them, and then it was brought up about filling the pond in for a dog park. He said a few months ago he called surrounding cities to see if they had dog parks and couldn't find any that did, but they all allowed dogs in their parks. At this point Ben Terwilliger spoke and said he takes his dog to a dog park at Brady's Run. Mrs. Wisser said Boardman is getting a dog park but its not finished yet. Atty Beagle asked if the information on goose repellant was from salesmen. She stated she had information from the Division of Wildlife saying that repellant isn't efficient and has to be applied multiple times. She said \$85 for 8000 sq feet sounds good until you figure out how much is needed and how often it will have to be applied. Mrs. Wisser said an alternative is goose sound deterrent. The Manager said he was given multiple options, but it is a costly problem and could invest a lot of money in it. Atty Beagle said the Div of Wildlife said layering these deterrents is an option that could work but she said if they are being fed, they are not going to leave. Mr. John Herbert stated that he has spoke to Federal and State officials on this issue and they say they the same thing, if you want them gone you can not feed them, the next step would be to use dogs to chase them, and then to use noise makers or possibly using laser pointers. Atty. Beagle said that all of that would almost take a "law enforcement officer for ducks". Mr. Kip Reeves stated that the golf courses in Virginia have a huge problem with geese and the only effective way to remove them is to trap them. Mr. Elzer stated that we have a park that doesn't allow dogs and if we allowed them the geese may leave. Mr. Elzer stated, "We should be proud of ourselves that our biggest conversation is about geese". Pam Figley commented that there are dogs in the park anyway, so if we allow them the owners might actually clean up after them. **Nathan Foster on the Haunted Trail.** Mr. Foster said they are doing the haunted trail again this year and are in the process of getting everything ready now. He said admission is donations only and they use their own funds for the project. He said this year the donation money will go back to the park, but on top of that he has 30 plus people helping him that he has to feed and buy supplies for. He stated he is using his own money and time to build things and get ready. He said he is getting a few donations so far, Pizza Joes has agreed to donate pizza to feed the volunteers, and he received a donation of \$400 worth of LED lighting to light the path. Mayor Zuch asked if he uses the donation money for supplies as he needs them and he said he does, but with everyone helping it takes a lot. He said some people are very generous with their donations and others will donate a \$1.00 and go thru 5 times. Mayor Zuch stated he should cover his expenses before donating it back to the park. Mrs. Wisser stated the Park Board couldn't accept the money but the Friends of the Park can. Mr. Foster said any donations will help, time, money or food. There is still a lot of work to be done before October. Mayor Zuch stated she went last year and thought it was great and that the Village and the Friends of the Park will do anything they can to help him. Mr. Foster thanked the Village for allowing him to do this.

CLERK: NO REPORT

MAYORS REPORT: Mayor Zuch read allowed a letter from ODOT stating that it is illegal for anyone under the age of 18 to use a mobile communication device while driving in the state of Ohio and it is a primary offense. Adult drivers will face \$150 fine but it is a secondary offense and police can only ticket if you are pulled over for another traffic violation.

MANAGERS REPORT: The Manager stated he gave council a written report in their packets.

LAW DIRECTORS REPORT: Atty Smith stated she was out over the weekend and heard people talking about coming to town for a cross-country meet and how beautiful the park is. She also stated that her law office has made a donation to the Haunted Trail and she encourages others to do the same. At this time Mayor Zuch stated the Village received a thank you note from the Nazarene Church for letting them use the Community Center for a safety program.

STREET REPORT: Mr. Figley stated he had no report except to say that he has been working with the Manager on the crack filling issue and that he hasn't been receiving complaints.

DEVELOPMENT REPORT: Mr. Elzer stated they were going to discuss breaking up the vacant council seats responsibilities. Mr. Elzer said the **Park/Rec/Safety/Cemetery Committee** is a lot for one person. Mayor Zuch said that Traci Thompson handles the cemetery, and when that is your committee it does take a lot of time. Mr. Elzer asked the Mayor if it could be broke up, and she said that is a question for the Law Director, but that is how it is in the Charter. Atty. Smith said it would be difficult but not illegal only because you have a Park/Rec/Cem Board. Mr. Elzer asked if you could leave those together and remove the safety portion. Mr. Figley asked that Atty Smith look into it and come up with a proposal. Mr. Elzer said his proposal is to take Park and Cemetery and put them with utilities. Atty. Beagle stated she thought Safety would fit better with Utilities and then you wouldn't have to worry about the Charter. Mrs. Wisser is the Chair of Utilities. Mr. Elzer asked her if it would be too much for her to add Park and Cemetery to Utilities. Mrs. Wisser said no, that she has an interest in having the Park and Cemetery. Mr. Figley said Utilities is a big job and doesn't see how you can add to that. Atty Beagle said the only place you could add something to would be Legislation. Mr. Figley said each committee has 3 members and that's where the breakdown should be. Mr. Elzer said in reality the Chairman is the one who takes care of their committee. Mr. Elzer said he wanted to make a motion to separate Park/Cem from Public Safety and reassign them to either Utilities or Legislation. Atty Smith asked if he was including Recreation with Park and Cemetery and Mr. Elzer said yes. Atty. Beagle said she agrees with Mr. Elzer but asked if that motion could be made once there is a new seated council member. Mr. Elzer asked if

legislation was needed and Atty Smith said you can do it pursuant to the Charter but she feels legislation would be beneficial that way if in the future someone looks at it, they would know why the change was made. Mr. Elzer asked if she would draft said legislation and Atty. Smith said yes. Mr. Elzer commended Larry & Sandy Wales and their volunteers for all of the work they have done on Rainbow Dreamland.

UTILITY REPORT: NO REPORT. Mrs. Wisser asked Chief Dickey how the K-9 unit was coming. Chief Dickey stated that Officer Johnson was in S.C. right now for training and he will bring the dog back with him. Mr. Elzer asked if there were any plans for a "meet the dog" event. The Manager stated that the camera system is up and running at the park and it's wonderful and exceeds his expectations. You can see all of the ball fields and the playground is completely covered and you can hear very well. It was a great job and a wonderful donation and is a huge asset.

FINANCE REPORT: Mr. Tyger stated there was a resolution on the agenda for Casino Revenues. He stated the LGF funds are drying up, in 2011 the Village received \$85000, in 2012 we will receive \$58000 and in 2013 it's projected to receive \$43000. He said that Salem did a resolution last week asking the County Commissioners to make up those funds. He would like to pass this resolution to put some heat on the County Commissioners. He said we may not get anything but we should try. He said he sent Council an email a few weeks ago for the Managers evaluation, he's gotten a few back but still needs the rest. He wants one other person to go over them with him and meet with the Manager.

THERE WERE NO COMMENTS ON CURRENT LEGISLATION

VISITORS: Gene Hoffman, Virginia Foster, Rich & Kay Westover, John & Dot Herbert, Dan Scott, Chuck McGuire, Alan Cohen, Kip Reeves, Betty Reeves, John & Bonnie Davis, Scott Wolfe, Larry Wales, Katie Schwendeman, Brock Jurjavic, John Jurjavic, Ben Terwilliger, Pam Figley, Nathan Foster, Tami & Bob Harris, Rich Bolon, Larry & Terry Ward, Matt Ream, Karen King, Chief Kevin Dickey.

LEGISLATION: Atty. Beagle introduced **Res 18-2012** and made a motion that it be read by title only, seconded by Mr. Tyger, All in favor. **A resolution authorizing county distribution of casino revenues, and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Tyger. All in favor. Atty. Beagle called for a vote on **Res. 18-2012.** Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y, and Mrs. Wisser-y. All in favor, motion carried. Atty Beagle introduced **Res. 19-2012** and made a motion that it be read by title only, seconded by Mr. Elzer, All in favor. **A resolution accepting the amounts and rates for the upcoming fiscal year.** Mr. Elzer asked for an explanation of the resolution. Finance Director Traci Thompson stated this is authorizing the rates set by the budget commission; these are all of the levies that we are collecting money from that have to be certified every year. Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr. Tyger. All in favor. Atty. Beagle called for a vote on **res. 19-2012.** Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y and Mrs. Wisser-y. All in favor, motion carried. Mr. Elzer stated that in a recent meeting it was said that past practice dictates how things are done in the future and asked could they go into executive session with just the 5 councilmen. Atty. Smith said she believed it is by invitation only, and that in the Charter it states that the Manager attends all council meetings but that could be up for interpretation. Mr. Figley made a motion for the 5 council members that are there go into executive session to discuss the council opening, seconded by Atty. Beagle. All in favor. Atty. Beagle made a motion to amend the agenda for additional business of filling the vacant council seat following executive session, seconded by Mr. Elzer, All in favor. Following executive session, Mr. Tyger called the regular session back to order. Mr. Elzer thanked everyone who applied for the vacant seat. There were 7 great candidates that applied but they can only pick one. Mr. Tyger made a motion to nominate Alan Cohen for Village council. Atty. Beagle-y, Mr. Elzer-y, Mr. Figley-y, Mr. Tyger-y, and Mrs. Wisser-y. All in favor, motion carried. Alan Cohen will fill the seat vacated by Mr. Scott Rauch. Mr. Elzer made a motion to adjourn, seconded by Mr. Figley. All in favor, meeting adjourned.

MAYOR MARGO ZUCH

MISTI J. MARTIN -CLERK

